THE HON'BLE MR. JUSTICE V.V.S. RAO

FRIDAY, THE 16TH DAY OF DECEMBER, 2005

W.P.No. 26799 of 2005

Between:-

B. Surya Prakash Rao and eight (8) others.

--Petitioners

And

The District Collector-cum-Commissioner,

Panchayat Raj, Vizianagaram district, Vizianagaram and three (3) others.

--Respondents

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:O R D E R:

The petitioners are residents of S.Kota village and mandal, Vizianagaram district. They are aggrieved by the building permission granted by the 2nd respondent to the 3rd and 4th respondents for construction of a nursing home in the land comprising survey No.501/3. The petitioners alleged that the contesting respondents are taking up construction without leaving 16' width rasta, which exist hitherto and which form a pathway for the petitioners. Therefore, they gave a representation to the District Collector purportedly under Section 246 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'). As there is no response, they filed the present writ petition.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Panchayt Raj.

The Gram Panchayat admittedly granted building permission to the 3rd and 4th respondents under Section 121 of the Act by passing a resolution. The petitioners have two remedies one to approach the District Panchayat Officer by way of appeal under Section 128(2) of the Act read with Rules framed vide G.O.Ms.No. 139 dated 18-04-2000 known as Andhra Pradesh Gram Panchayat (Second Appeal) Rules, 2000. They also can approach the District Collector for cancellation of resolution by which building permission is granted. Now that the petitioners have already approached the District Collector. It would be in the interest of the parties to direct the District Collector to consider the matter under Section 246(3) of the Act and send a report to the Government immediately within a period of two weeks from the date of receipt of a copy of this order. This court also observes that if the 3rd and 4th

respondents make any construction in contravention of the building plan or without leaving 16' width existing pathway as alleged, it shall be open to the Gram Panchayat to take appropriate action in the matter.

The writ petition, with the above observations and directions, is disposed of. No costs.

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V.V.S. RAO, J

16-12-2005

pvks/*

Nb: Office to furnish c.c. by Monday i.e., 19-12-2005.

B/o pvks.